

104TH CONGRESS
1ST SESSION

H. R. 1332

To establish certain policies and responsibilities with respect to the administration of the Rongelap Resettlement Trust Fund, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 1995

Mr. GALLEGLY (for himself and Mr. FALEOMAVAEGA) introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish certain policies and responsibilities with respect to the administration of the Rongelap Resettlement Trust Fund, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rongelap Recovery and
5 Community Self-Reliance Act”.

6 **SEC. 2. POLICY REGARDING ASSISTANCE FOR RESETTLE-**
7 **MENT OF PEOPLE OF RONGELAP.**

8 The purposes of this Act are to improve the legal and
9 policy framework for fulfillment of the objectives of section

1 103(i) of Public Law 99–239 (99 Stat. 1783) and to pre-
2 scribe the manner in which the Rongelap Resettlement
3 Trust Fund established pursuant to Public Law 102–154
4 (105 Stat. 1009) shall be administered in order to achieve
5 the goal of early and safe resettlement of the people of
6 Rongelap. The measures set forth in this Act are appro-
7 priate and necessary in light of the results of scientific
8 studies on the habitability of Rongelap conducted pursu-
9 ant to section 103(i) of Public Law 99–239 and are in-
10 tended to enable the people of Rongelap to exercise greater
11 self-determination and local self-government, and to take
12 control of their own destiny and become more self-reliant,
13 through a resettlement program consistent with the wishes
14 of the Rongelapese people themselves. United States as-
15 sistance to the people of Rongelap for purposes of resettle-
16 ment shall be as directed by Congress and will be com-
17 pleted upon determination by Congress that the United
18 States has provided the total of its contribution to the re-
19 habilitation of Rongelap Island and resettlement of the
20 Rongelap people pursuant to section 103(i) of Public Law
21 99–239 and applicable provisions of Public Law 102–154.
22 All such assistance shall be subject to the financial ac-
23 countability provisions of this Act and shall be provided
24 within the framework of the government-to-government
25 relationship between the Republic of the Marshall Islands

1 and the United States as defined by the Compact of Free
2 Association Act of 1985.

3 **SEC. 3. RESPONSIBILITIES RELATING TO RONGELAP RE-**
4 **SETTLEMENT TRUST FUND.**

5 (a) SECRETARY OF THE INTERIOR.—

6 (1) TRANSFER OF FUNDS TO TRUSTEE OF
7 RONGELAP RESETTLEMENT TRUST FUND.—Consist-
8 ent with the Rongelap Resettlement Trust Fund
9 agreement between the Department of the Interior,
10 the Republic of the Marshall Islands, and the
11 Rongelap Atoll Local Government, dated May 13,
12 1992, funds appropriated in any fiscal year for the
13 purpose of increasing the corpus of the Rongelap
14 Resettlement Trust Fund shall be transferred by the
15 Secretary of the Interior to the trustee thereof, and
16 the Department of the Interior shall be administra-
17 tively responsible for effecting all such transfers of
18 funds appropriated for this purpose as required by
19 law.

20 (2) LIMITATION OF DEPARTMENT OF THE IN-
21 TERIOR ACTIVITIES TO THOSE PROVIDED BY TRUST
22 FUND AGREEMENT.—The activities of the Depart-
23 ment of the Interior with respect to management of
24 the Rongelap Resettlement Trust Fund shall be lim-
25 ited to those provided for in the trust fund agree-

1 ment referred to in paragraph (1), as it may from
2 time to time be amended.

3 (b) TRUSTEE.—

4 (1) DUTIES, OBLIGATIONS AND LEGAL RESPON-
5 SIBILITIES.—The duties, obligations and legal re-
6 sponsibilities of the trustee with respect to the
7 Rongelap Resettlement Trust Fund shall be as set
8 forth in the trust fund agreement referred to in sub-
9 section (a)(1), to which the United States, the Re-
10 public of the Marshall Islands and the Rongelap
11 Atoll Local Government are parties with legal rights
12 and powers to enforce the terms of the trust as set
13 forth therein, and in applicable law.

14 (2) DISTRIBUTION OF FUNDS.—All funds con-
15 tributed to the Rongelap Resettlement Trust Fund
16 referred to in subsection (a) of this section shall be
17 distributed by the trustee and used as determined by
18 the Rongelap Atoll Local Government consistent
19 with applicable provisions of this Act, Public Law
20 102–154, and the resettlement plan submitted to the
21 United States Congress on March 15, 1995, in ac-
22 cordance with Report 103–551 of the House of Rep-
23 resentatives, and referred to in Rongelap Atoll Local
24 Government Council Resolution No. 95–20.

25 (c) AUDITS.—

1 (1) IN GENERAL.—In addition, management or
2 use of trust assets shall be subject to the authority
3 of the Comptroller General of the United States to
4 conduct financial audits of all trust transactions and
5 activities, in the same manner as provided in section
6 110(c) of Public Law 99–239. The Inspector Gen-
7 eral of the Department of the Interior also shall be
8 authorized to audit the use of Rongelap Resettle-
9 ment Trust Fund assets.

10 (2) NOTICE REGARDING USE OF FUNDS OUT-
11 SIDE SCOPE OF TRUST.—If at any time it is deter-
12 mined by the cognizant audit authority that funds
13 distributed by the trustee to the Rongelap Atoll
14 Local Government have been used for purposes out-
15 side the statutory scope of the trust, such audit au-
16 thority shall, at a time and in a manner which is
17 lawful and does not interfere with any ongoing in-
18 vestigative process, law enforcement activity or other
19 activities or operations required under applicable
20 regulations and procedures, notify the chairman of
21 the Committee on Energy and Natural Resources of
22 the United States Senate, the chairman of the Com-
23 mittee on Resources of the United States House of
24 Representatives, the Republic of the Marshall Is-
25 lands, the Rongelap Atoll Local Government, and

1 the trustee, of such determination so that the trust-
2 ee and the parties to the trust agreement may exer-
3 cise their legal rights and powers, including recovery
4 of such funds.

5 (d) RETENTION OF UNITED STATES AUTHORITY
6 OVER TRUST FUND.—The United States Congress shall
7 retain its authority over the trust fund as set forth in the
8 trust agreement referred to in subsection (a)(1) and appli-
9 cable statutes, including Public Law 102–154.

10 **SEC. 4. TRUSTEE AND OTHER FUND PERSONNEL.**

11 (a) TRUSTEE QUALIFICATIONS.—The trustee of the
12 Rongelap Resettlement Trust Fund shall be a qualified
13 United States financial institution with considerable expe-
14 rience in the administration of similar trusts and which
15 serves as the trustee manager or custodian of over
16 \$1,000,000,000 in assets. If the trustee on the date of
17 enactment of this Act does not meet the qualification cri-
18 teria, a new trustee which does satisfy these requirements
19 shall in due course be appointed subject to the procedures
20 set forth in the trust fund agreement referred to in section
21 3(a).

22 (b) INVESTMENT FUND MANAGERS AND ADVISERS
23 AND CONSULTANTS.—Investment fund managers and ad-
24 visers or consultants designated by the Rongelap Atoll
25 Local Government in accordance with the trust agreement

1 to provide services in connection with management of the
2 Rongelap Resettlement Trust Fund must be registered
3 with the Securities and Exchange Commission and be in
4 compliance with applicable provisions of the Investment
5 Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.)

6 **SEC. 5. RESETTLEMENT EXPENDITURES AND ACTIVITIES.**

7 (a) ACTIVITIES.—The Rongelap Atoll Local Govern-
8 ment shall have the discretion, to the extent determined
9 by the Rongelap Atoll Local Government Council acting
10 within its lawful authority, to include in the resettlement
11 program activities described in the Memorandum of Un-
12 derstanding of February 21, 1992, between the Depart-
13 ment of the Interior, Department of Energy, the Republic
14 of the Marshall Islands, and the Rongelap Atoll Local
15 Government.

16 (b) USE OF ANNUAL INCOME.—

17 (1) IN GENERAL.—With respect to each fiscal
18 year following the establishment of the Rongelap Re-
19 settlement Trust Fund pursuant to Public Law
20 102–154, the authority of the Rongelap Atoll Local
21 Government and the trustee, within the statutory
22 scope and purpose of the trust, shall include dis-
23 tribution of up to 50 percent of the annual income
24 (interest and earnings) of the trust fund, but in no
25 year more than \$500,000, increased in accordance

1 with paragraph (2), to provide local government sup-
2 port and programs for the benefit of the people of
3 Rongelap, including funding for food, shelter, medi-
4 cine, infant care, sanitation, personal hygiene and
5 other basic human needs arising from dislocation
6 and adjustment during resettlement, as well as local
7 government administrative and operations costs and
8 expenses arising directly from or which are directly
9 connected to the resettlement process.

10 (2) ADJUSTMENT.—The amount referred to in para-
11 graph (1) shall be increased annually by the same propor-
12 tion as the percentage increase in the United States
13 Consumer Price Index For All Urban Consumers (pub-
14 lished by the Bureau of Labor Statistics, Department of
15 Labor) for the most recent year preceding the date on
16 which the increase, if any, is calculated.

17 (c) AVAILABILITY OF ASSISTANCE FOR RESETTLE-
18 MENT IN THE MARSHALL ISLANDS OTHER THAN ON
19 RONGELAP.—

20 (1) GOAL OF RESETTLEMENT ON RONGELAP.—

21 The Congress supports the goal of enabling the en-
22 tire Rongelap community to achieve resettlement in
23 accordance with Resolution Number 95–20 adopted
24 by the Rongelap Atoll Local Government Council on
25 March 9, 1995, consistent with the findings of sci-

1 entific studies conducted pursuant to section 103(i)
2 of Public Law 99–239 which indicate that agreed
3 upon radiation exposure limits can be met at
4 Rongelap Island if certain risk mitigation measures
5 are taken.

6 (2) RESETTLEMENT ASSISTANCE.—(A) To en-
7 sure that members of the Rongelap community who
8 do not choose to return to Rongelap in light of these
9 scientific findings are able to end their dislocation
10 and settle somewhere in the Marshall Islands, assist-
11 ance for construction of family housing and other re-
12 settlement assistance may be provided to members
13 of the Rongelap community who elect to settle at a
14 location in the Marshall Islands other than Rongelap
15 Atoll on the same basis as assistance provided for
16 those who elect to return to Rongelap, subject to the
17 authority and discretion of the Rongelap Atoll Local
18 Government to determine the schedule, terms, speci-
19 fications and scope of such assistance in the context
20 of the overall community resettlement program at
21 Rongelap Atoll, which shall remain the primary ob-
22 jective for management and use of trust fund assets.

23 (B) Assistance provided pursuant to subpara-
24 graph (A) to those who elect to resettle at a place
25 other than Rongelap shall not include measures to

1 be employed or benefits to be provided for those re-
2 settling at Rongelap Atoll for the purpose of mitigat-
3 ing risks posed by radiological conditions at
4 Rongelap.

5 (C) Any Rongelapese person receiving assist-
6 ance for resettlement at a location other than
7 Rongelap Atoll pursuant to subparagraph (A) shall
8 be ineligible for such assistance for the purposes of
9 resettling again later at Rongelap Atoll. The preced-
10 ing sentence shall cease to apply once all members
11 of the Rongelap community, as defined and recog-
12 nized by the Nuclear Claims Tribunal established
13 pursuant to section 177 of the Compact of Free As-
14 sociation (as contained in Public Law 99-239), have
15 received resettlement assistance at Rongelap or as-
16 sistance on the same basis, except as provided in
17 subparagraph (B), at another location of their
18 choosing.

19 (3) SCOPE OF TRUST.—The assistance activities
20 authorized in this section shall be deemed to be
21 within the scope of the trust notwithstanding any
22 provision of Public Law 102-154 to the contrary.

23 (d) FOOD IMPORTATION.—The trustee of the
24 Rongelap Resettlement Trust Fund shall make no dis-
25 tribution from the corpus of the Trust which as a matter

1 of prudent financial management in the judgment of the
2 trustee would be inconsistent with the objective of ensur-
3 ing that funds will be available for as long as the trust
4 fund agreement referred to in section 3(a)(1) is in effect
5 for the purpose of providing imported food and locally pro-
6 duced food which meets relevant health and safety stand-
7 ards in amounts sufficient to meet the nutritional needs
8 of the Rongelap community residing at Rongelap Atoll.

9 **SEC. 6. TRANSFER OF UNEXPENDED AND UNOBLIGATED**
10 **FUNDS.**

11 All funds appropriated pursuant to the authorization
12 contained in section 103(i) of Public Law 99-239 for sci-
13 entific radiological studies to determine the habitability of
14 Rongelap Island in the Republic of the Marshall Islands,
15 or which have been obligated for use by the “Rongelap
16 Resettlement Project” to support such studies, which as
17 of the date of enactment of this Act have not been ex-
18 pended shall be transferred to the Rongelap Atoll Local
19 Government and expended only pursuant to a budget ap-
20 proved by the Rongelap Local Government Council and
21 for activities consistent with the purposes for which such
22 funds were appropriated, including scientific research and
23 island rehabilitation measures connected to resettlement
24 of Rongelap.

